

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING/GENERAL MEETING
NOVEMBER 20, 2008**

Place: Room 213
Town Hall

TIME: 8:45 A.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Grimes, Finke, Hutchison

STAFF ATTENDING: Ginsberg

RECORDER: Ginsberg

Mr. Conze read the first agenda item:

GENERAL MEETING

Discussion, deliberation, and possible decision regarding the following matter:

Special Permit Application #188-A/Site Plan, Darien Board of Education, Darien High School, 80 High School Lane. Proposing to install portable light units at the Darien High School Stadium field on a temporary basis. The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road, and is shown on Assessor's Map #9 as Lots #80 and #81, R-2 Zone.

Mr. Conze noted that the Commission members have received a copy of a redlined draft resolution. Ms. Grimes made a motion to waive the reading of the draft resolution aloud. That motion was seconded by Mr. Hutchison and unanimously approved. Mr. Conze then noted that the decision is to grant the request with stipulations. A brief discussion then ensued, with a minor change in the draft. Mr. Hutchison asked whether electric lights may be viable in the future. Mr. Finke then made a motion to adopt the resolution as modified. That motion was seconded by Ms. Grimes, and approved by a vote of 4-0. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 20, 2008**

Application Number: Special Permit Application #188-A/Site Plan

Street Address: 80 High School Lane
Assessor's Map #9 Lots #80 and #81

Name and Address of Applicant: Town of Darien/Darien Board of Education
and Property Owner: 2 Renshaw Road
Darien, CT 06820

Name and Address of:
Applicant's Representative D. Bruce Hill, Esq.
Law Offices of Bruce Hill

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23 Old King's Highway South, PO Box 1103
Darien, CT 06820

Activity Being Applied For: Proposing to install portable light units at the Darien High School Stadium field on a temporary basis.

Property Location: The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road.

Zone: R-2 Zone

Date of Public Hearing: November 18, 2008

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: November 6 & 13, 2008

Newspaper: Darien News-Review

Date of Action: November 20, 2008

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
Saturday, November 22, 2008

Newspaper: Stamford Advocate

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plan, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to install portable light units at the Darien High School Stadium field on a temporary basis. The number, height, location and use of the proposed temporary portable lights were described at the public hearing. The purpose of the temporary portable lights is to have football practices on the Stadium field for the remainder of the current football season. The proposed temporary lights would allow lighted practices after sunset. The applicant is not expanding the football practice schedule.

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2. Section 405b of the Darien Zoning Regulations allows lighting or illumination of recreation facilities as an Accessory Uses Requiring Special Permit. That Section reads as follows:
 - b. Outdoor recreational uses and tennis courts. The lighting or illumination of recreational facilities is permitted provided that such lighting shall create no hazard or nuisance upon adjacent properties with reference to the following standards:*
 - (1) *The source of such lights shall be concealed from surrounding residential properties;*
 - (2) *All lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties;*
 - (3) *No lighting facilities shall be mounted at a height greater than 20 feet above grade.*
3. At the public hearing, the representatives from the Board of Education noted that the proposal is to install temporary generator-powered light poles to allow practices on the High School Stadium field only from November 20 to December 5, 2008. It was noted by the applicant that it gets too dark in November and December to practice beyond about 4:30 PM. The applicant noted, and the Commission agrees, that this is a very limited proposal for a limited duration, and a special situation. The details presented to the Commission were satisfactory. The Commission is looking for the Board of Education to manage this temporary lights program.
4. The subject application is solely for portable, lights to be used on a temporary basis. The usage of the lights was specifically defined by the applicant within the application materials and at the public hearing. The Chairman of the Board of Education specifically noted that, "At this time, permanent lights are not an open agenda item". Any such request for lighting in the future would require a subsequent application to this Commission.
5. The applicant clearly stated during the public hearing that this is not a precursor or test case for permanent or for higher lights on the subject property, or even for future applications for temporary lights. This is a standalone application, with time being of the essence, to allow the football team to practice throughout the remainder of this year's extended season.
6. The information gathered during this trial period nonetheless could be helpful in any future analysis of light proposals for the subject property. The Commission notes that if the trial period proposed had been longer, there could have been other stipulations required by the Commission to ensure that the lights would not have an impact on the neighborhood.
7. A representative from United Rentals, Brendan Thomas, explained during the public hearing that there would be no rear light spillage from the proposed temporary, portable lights. The lights will be angled downward. He was also able to describe the noise from the diesel generators which power the lights.
8. It was clear from the applicant's presentation that no different or more intense use is being proposed as part of this application. The existing afternoon and early evening football

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practices on the high school field now occur, and will continue to occur. Only football practice for the DHS varsity team and two practices for one Darien Junior Football League team are proposed to occur under the subject lights. It was confirmed by the Athletic Director during the public hearing that the seasons of all other fall sports have ended, and there will be no Title IX issues as a result of this proposal.

9. The Commission notes that the 2006 Town Plan of Conservation & Development states that efforts should be made to protect the residential character of the existing neighborhoods. Appendix 9 of the Town Plan notes that any future Special Permit uses should be consistent with residential zoning, and any succeeding Special Permit uses should be maintained as closely as possible to the prior existing use. The Commission believes that the subject request to use lights from November 20-December 6 during limited hours will maintain the residential character of the neighborhood.
10. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
11. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
12. The nature of the proposed changes and uses are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
13. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
14. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
15. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
16. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #188-A/Site Plan are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the portable, temporary lights shall be in accordance with the plan entitled:

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- Proposed Temporary Portable Light Units, Darien High School Stadium Field, Sheet SP2.00, received in the Planning and Zoning Office Nov 6, 2008.
- B. Prior to the installation of the five “new” lights, the existing “grandfathered” light shall be adjusted to be located at a height of twenty feet or less, in order to comply with the Darien Zoning Regulations. That 20 foot or lower height shall be based upon a reliable measurement.
- C. The Commission specifically approves the Proposed Schedule of Usage (page 3 of the Pilot Program Proposal) of the lights as presented at the public hearing. The only change to that is that, as noted by the applicant, the lights will be off on or before 7:00pm on November 29th. Use of the lights shall be in strict compliance with that schedule prepared by, and presented by the applicant.
- D. The Commission also specifically approves the Proposed Guidelines for Use of Temporary Generator-Powered Light Poles as outlined in the November 18, 2008 memorandum from Donald Fital to the Board of Education. All light usage shall be in strict compliance with this memorandum.
- E. The Commission strongly recommends that during the trial period or within a day thereafter or during the day, the lights from the end zone be positioned for one or two hours at the 50 yard line of the football field, and the sound from that location be analyzed. This will allow the Board of Education to understand better the difference in sound. The lights in the end zone as shown on the submitted plan are 200+/- feet from the northern property line of the high school property. Moving them to the 50 yard line would move them to be 350+/- feet from the northern property line.
- F. A contact phone number for Don Fital, Superintendent of Schools, shall be submitted to the Planning and Zoning Office before November 21 and prior to the installation of the portable lights. This should be a phone number where Mr. Fital can be contacted when the lights are in use and immediately thereafter. This will allow the neighbors to contact him directly if they believe that any of the conditions herein are not being complied with, or if the lights are not turned off at the correct time. Any phone calls to Mr. Fital regarding the lights during the trial period shall be logged, and included in the subsequent “post-mortem” report required by the Commission herein.
- G. Within 60 days after the final light use allowed under this decision (such final date expected to be on or before December 5, 2008), the Board of Education shall prepare a written report outlining the following: when the lights were used; any complaints regarding the noise, light, or other potential impacts to the neighbors; and what changes could be made to minimize potential impacts (if any) were similar temporary lights to be used in the future. In order for the Planning & Zoning Commission to get a better understanding of how this trial period worked, they are requiring that report before February 3, 2009, so that they can discuss said report at a meeting in late January or February 2009. This meeting will allow the Commission to hear first-hand from both the Board of Education and the neighbors about these temporary portable lights. It will also allow the Board of Education to consider

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what they would do or could do differently, and to better understand any impacts that the lights may have had.

- H. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The Commission hereby confirms that any future application for lights, whether temporary or permanent, shall require subsequent review and action by the Planning and Zoning Commission.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke these permits as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan by the Chairman. A Special Permit form shall be filed in the Darien Land Records prior to the temporary installation of the lights.

Mr. Conze then read the next agenda item:

Business Site Plan #112-A, Chuck's Steak House, 1340 Boston Post Road.

Request to relocate Dumpster area.

Mr. Ginsberg explained the proposal to relocate the existing dumpster area from behind the building, to in the back of the parking lot. This is in response to conversations that the owner has had with the Darien Health Department. He showed the Commission the submitted plans entitled, "Site Plan Chuck's Steak House", dated 11-12-08 by BDG, Sheet A-1. He noted that the Dumpsters will be on a concrete pad, and the area will have a fence. Mr. Ginsberg said that the restaurant is a little over 3,500 square feet, and 36 parking spaces will be provided on-site, which complies with the Zoning Regulations of one space per 100 square feet. Mr. Tim Fisher, the proprietor, said that he now has six days a week pickup. Mr. Ginsberg stated that this was a minor amendment to the existing site plan.

Mr. Fisher then asked about his existing 50 foot buffer along the rear of his property which abuts Old King's Highway South. Mr. Conze noted that staff can look into that matter. Mr. Finke made a motion to approve the request as submitted. That motion was seconded by Mr. Hutchison, and unanimously approved.

Mr. Conze then read the next agenda item:

Amendment of Special Permit Application #15-J, Wee Burn Country Club, 410 Hollow Tree Ridge Road.

The proposal is to install 380 photo-voltaic solar panels on the southwest roof of the maintenance building within the Wee Burn Country Club located at 410 Hollow Tree Ridge Road

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Mr. Ginsberg explained that the Club has applied for a Zoning Permit to put solar panels on one of the roofs of the new maintenance building. This is different than what was previously approved by the Commission. Mr. Ginsberg referred to the photographs submitted by the installer. Mr. Ginsberg said that since this is a Special Permit use, this type of change needs to be approved by the Commission. Mr. Conze noted that this building is near the 9th hole on the golf course.

Mr. Hutchison then made a motion to approve the request as submitted. That motion was seconded by Ms. Grimes, and unanimously approved. Commission members said that they were generally supportive of this type of technology.

There being no further business, the meeting was adjourned at 9:00 A.M.

Respectfully submitted,

Jeremy B. Ginsberg
Director of Planning & Zoning

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